IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORIGINAL SIDE

APPEAL NO.590 OF 2005
IN
CHAMBER SUMMONS NO.1424 OF 2004
IN
SUIT NO.2361 OF 1994

Parag Pravin Shah & Anr. — Appellants
vs.
Anant Chimanlal Bhatt & ors. — Respondents

Mr.M.M.Vashi i/b.M/s.M.P.Vashi & Associates for the appellants.

Mr.M.L.Palan i/b.Mr.Bharat Vaishnawa & Co. for the respondent no.1.

CORAM : R. M. LODHA &
J.P. DEVADHAR,JJ.

DATED : 26th July 2005

P.C.

Heard Mr.M.M.Vashi, the learned counsel for the appellants. We perused the order impugned in the present appeal. By the impugned order, the learned Chamber Judge has granted leave to the plaintiff to amend the plaint.

2. The contention of the learned counsel for the appellants is that the prayers sought to be introduced by the plaintiff by way of an amendment are barred by law of limitation. In our considered view, this aspect must be considered in the course of the trial. By

granting leave to the plaintiff to amend the plaint, we do not find any error of law or jurisdiction committed by the learned Chamber Judge.

3. The appeal is, accordingly, dismissed in limine. However, we clarify that the plea of limitation is kept open to be agitated by the defendant nos. 7 and 8 in the additional written statement and upon such plea being raised, the trial Judge would raise an issue in that regard and decide the same.

(R.M. LODHA,J.)

(J.P. DEVADHAR,J.)